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| <p align="center">CERTIFICATE OF EXPRESS MAILING</p> <p>NUMBER: <u>EL 831819976 US</u></p> <p>DATE OF DEPOSIT: <u>January 29, 2004</u></p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.</p> <p align="center">  _____ Signature </p> | |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|---|------------------------------------|
| In re Application of: | § | |
| | § | |
| Mark J. Rupar | § | Group Art Unit: |
| William P. Donovan | § | |
| Yuping Tan | § | Examiner: |
| Annette C. Slaney | § | |
| | § | Atty. Dkt. No.: MECO:017--3 |
| Serial No.: | § | 11792.0017.DVUS03 |
| | § | |
| Filed: January 29, 2004 | § | |
| | § | |
| For: PLANTS TOXIC TO COLEOPTERAN INSECTS | § | |
| AND CTENOCEPHALIDES SPP. (AMENDED) | § | |

INFORMATION DISCLOSURE STATEMENT

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants respectfully request that this Information Disclosure Statement be entered and that the references listed on attached Form PTO-1449 be considered by the Examiner and made of record.

The present application is a divisional application of U.S. Serial No. 10/386,972, filed March 12, 2003, which was a divisional application U.S. Serial No. 09/611,216, filed July 6, 2000, now U.S. Patent No. 6,537,756, which was a divisional application of U.S. Serial No. 08/721,259, filed September 26, 1996, now U.S. Patent No. 6,093,695, each of which are relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d), copies of the listed documents

are not enclosed as they have been previously cited by or submitted to the U.S. Patent and Trademark Office in prior applications listed above.

In accordance with 37 C.F.R. § 1.97(g), this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other possibly material information, as defined in 37 C.F.R. § 1.56, exists.

The present Information Disclosure Statement is being filed prior to the receipt of a first Office Action on the merits; and hence, is believed to be timely-filed in accordance with 37 C.F.R. § 1.97(b).

No fees are believed to be due in connection with the filing of this Information Disclosure Statement; however, if any fees should be due, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 01-2508/11792.0017.DVUS03.

Respectfully submitted,

A handwritten signature in cursive script that reads "Amy G. Klann".

Amy G. Klann
Reg. No. 48,155
AGENT FOR ASSIGNEE
MONSANTO TECHNOLOGY LLC

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(713) 787-1400

Date: January 29, 2004

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| Form PTO-1449 (modified) | | Atty. Docket No. MECO:017-3 | Serial No. |
| List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | | Applicant Mark J. Rugar, <i>et al.</i> | |
| | | Filing Date: January 29, 2004 | Group: |
| U.S. Patent Documents <i>See Page 1</i> | Foreign Patent Documents <i>See Page 1</i> | Other Art <i>See Page 2</i> | |

U.S. Patent Documents

| Exam. Init. | Ref. Des. | Document Number | Date | Name | Class | Sub Class | Filing Date if App. |
|-------------|-----------|-----------------|----------|-------------------------|-------|-----------|---------------------|
| | A1 | 4,547,360 | 10/15/85 | Perlberg | 424 | 15 | |
| | A2 | 5,173,409 | 12/22/92 | English | 435 | 71.1 | 12/22/92 |
| | A3 | 5,187,091 | 02/16/93 | Donovan <i>et al.</i> | 435 | 240.4 | 02/16/93 |
| | A4 | 5,264,364 | 11/23/93 | Donovan <i>et al.</i> | 435 | 252.5 | 11/23/93 |
| | A5 | 5,276,269 | 01/04/94 | Raikhel | 800 | 205 | 01/04/94 |
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| | A7 | 5,449,681 | 09/12/95 | Wickiser | 514 | 366 | 09/12/95 |
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| | A10 | 5,550,318 | 08/27/96 | Adams <i>et al.</i> | 800 | 205 | 08/27/96 |

Foreign Patent Documents

| Exam. Init. | Ref. Des. | Document Number | Date | Country | Class | Sub Class | Translation Yes/No |
|-------------|-----------|-----------------|----------|---------|-------|-----------|--------------------|
| | B1 | WO94/13785 | 06/23/94 | WIPO | | | |
| | B2 | WO94/16079 | 07/21/94 | WIPO | | | |
| | B3 | WO95/02693 | 01/26/95 | WIPO | | | |
| | B4 | WO9618302A | 06/20/96 | WIPO | | | |
| | B5 | WO9116433A | 10/31/91 | WIPO | | | |

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

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|---|---|---|------------|
| Form PTO-1449 (modified) | | Atty. Docket No. MECO:017-3 | Serial No. |
| List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | | Applicant Mark J. Rupar, et al. | |
| | | Filing Date: January 29, 2004 | Group: |
| U.S. Patent Documents <i>See Page 1</i> | Foreign Patent Documents <i>See Page 1</i> | Other Art <i>See Page 2</i> | |

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

| Exam. Init. | Ref. Des. | Citation |
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| | C1 | Baum and Malvar, "Regulation of insecticidal crystal protein production in <i>Bacillus thuringiensis</i> ," <i>Molecular Microbiology</i> , 18(1):1-12 (1995) |
| | C2 | Chilcott and Ellar, "Comparative Toxicity of <i>Bacillus thuringiensis</i> var. <i>israelensis</i> Crystal Proteins <i>in vivo</i> and <i>in vitro</i> ," <i>J. of General Microbiology</i> , 134:2551-2558 (1988) |
| | C3 | Dhir <i>et al.</i> , "Regeneration of transformed shoots from electroporated soybean (<i>Glycine max</i> (L.) Merr.) protoplasts," <i>Plant Cell Reports</i> , 10:97-101 (1991) |
| | C4 | Donovan <i>et al.</i> , "Characterization of Two Genes Encoding <i>Bacillus thuringiensis</i> Insecticidal Crystal Proteins Toxic to <i>Coleoptera</i> Species," <i>Applied and Environmental Microbiology</i> , 58(12):3921-3927 (Dec. 1992) |
| | C5 | Earp and Ellar, " <i>Bacillus thuringiensis</i> var. <i>morrisoni</i> strain PG14: nucleotide sequence of a gene encoding a 27kDa crystal protein," <i>Nucleic Acids Research</i> , 15(8):3619 (1987) |
| | C6 | Knowles <i>et al.</i> , "A broad-spectrum cytolytic toxin from <i>Bacillus thuringiensis</i> var. <i>kyushuensis</i> ," <i>Proc. R. Soc. Lond. B</i> , 248:1-7 (1992) |
| | C7 | Koni and Ellar, "Cloning and Characterization of a Novel <i>Bacillus thuringiensis</i> Cytolytic Delta-Endotoxin," <i>J. Mol. Biol.</i> , 229:319-327 (1993) |
| | C8 | Ward <i>et al.</i> , "Cloning and expression in <i>Escherichia coli</i> of the insecticidal δ -endotoxin gene of <i>Bacillus thuringiensis</i> var. <i>israelensis</i> ," <i>FEBS</i> , 175(2):377-382 (October 1984) |
| | C9 | Ward and Ellar, " <i>Bacillus thuringiensis</i> var. <i>israelensis</i> δ -Endotoxin Nucleotide Sequence and Characterization of the Transcripts in <i>Bacillus thuringiensis</i> and <i>Escherichia coli</i> ," <i>J. Mol. Biol.</i> , 191:1-11 (1986) |
| | C10 | Ely, S.: "The engineering of plants to express <i>Bacillus thuringiensis</i> delta-endotoxins"; ENTWISTLE, E. ET AL. (Eds.): 'Bacillus Thuringiensis, an Environmental Biopesticide: Theory and Practice' 1993, GB, Chichester, Wiley & Sons, pages 105-124, XP002054693 |
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INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)